EXHIBIT O

ANDY DAVIS, PhD, 4-7-09

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1
        IN THE UNITED STATES DISTRICT COURT FOR THE
2
                   NORTHERN DISTRICT OF OKLAHOMA
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4
     W. A. DREW EDMONDSON, in his )
5
     capacity as ATTORNEY GENERAL )
     OF THE STATE OF OKLAHOMA and )
6
     OKLAHOMA SECRETARY OF THE
     ENVIRONMENT C. MILES TOLBERT,)
7
     in his capacity as the
     TRUSTEE FOR NATURAL RESOURCES)
8
     FOR THE STATE OF OKLAHOMA,
9
                  Plaintiff,
10
                                    ) 4:05-CV-00329-TCK-SAJ
     vs.
11
     TYSON FOODS, INC., et al,
12
                  Defendants.
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14
                       THE VIDEOTAPED DEPOSITION OF
15
     ANDY DAVIS, PhD, produced as a witness on behalf
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     of the Plaintiff in the above styled and numbered
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     cause, taken on the 7th day of April, 2009, in the
18
     City of Tulsa, County of Tulsa, State of Oklahoma,
19
     before me, Lisa A. Steinmeyer, a Certified Shorthand
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     Reporter, duly certified under and by virtue of the
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     laws of the State of Oklahoma.
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1	A	No.				
2	Q	What records did you rely on that poultry				
3	waste	waste was in fact land applied at or around the				
4	barns	?				
5	A	That's the assumption I made for the purpose	10:50AM			
6	of the	e study. I had no other information.				
7	Q	Okay. That was going to be my next question.				
8	Did y	Did you discuss your assumption with anybody in the				
9	Cargi	ll corporate representatives, not the lawyers				
10	but tl	he corporate representatives?	10:50AM			
11		MS. COLLINS: Object to form.				
12	A	No.				
13	Q	Did you discuss the assumption you made				
14	regard	ding the application sites with counsel for				
15	Cargi	Cargill? 10:50AM				
16	A	Yes. I said that was the predicate for my				
17	work i	moving forward.				
18	Q	And did they approve that that would be the				
19	predic	predicate for your work?				
20		MS. COLLINS: Object to form.	10:51AM			
21	A .	They didn't object to it. So I assume that				
22	was ta	asked assumption that they approved that.				
23	Q	All right. Other than the assumption you just				
24	descr	ibed, did you do anything else to satisfy				
25	yourself where Cargill poultry waste was land 10:51AM					

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1	applied?				
2	MS. COLLINS: Object to form.				
3	A Well, as I said, I had no other information to				
4	reasonably assume they were taken anywhere else, and				
5	my understanding is it was used as a resource to 10:51AM				
6	actually facilitate grass growth. So I assume they				
7	want to do that as close as possible to minimize				
8	transport costs.				
9	Q Okay. Did you discuss with any Cargill				
10	growers the length that they would transport poultry 10:51AM				
11	waste from the barn to the application sites?				
12	A No.				
13	Q So you don't know what distance the poultry				
14	waste, when removed from the barns, may be				
15	transported before it's applied; is that correct? 10:52AM				
16	MS. COLLINS: Object to form.				
17	A Well, that's correct. I assumed it would be				
18	proximal to the houses.				
19	Q Did you inquire and determine whether or not				
20	the that all of the Cargill sites in fact land 10:52AM				
21	applied on location where the barns were with the				
22	immediately adjoining lands?				
23	MS. COLLINS: Object to form.				
24	A That was my assumption.				
25	Q Okay, but you didn't make any specific inquiry 10:52AM				
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1		to determine if that assumption was accurate;				
2	corre	correct?				
3	A	That's correct.				
4	Q	Okay. Did you ask anyone if they in fact land				
5	appli	applied on their sites at all? 10:52AM				
6		MS. COLLINS: Object to form.				
7	A	No.				
8	Q	Did you ask anyone if they sold their poultry				
9	waste	to others who then land applied?				
10		MS. COLLINS: Object to form.	10:53AM			
11	A	No.				
12	Q	Did you make any inquiry as to whether poultry				
13	waste	waste from Cargill locations was transported outside				
14	the I	the IRW?				
15		MS. COLLINS: Object to form.	10:53AM			
16	A	No.				
17	Q	In your opinion is rainfall necessary in this				
18	case '	case to provide a transport mechanism of the				
19	land-a	land-applied poultry waste?				
20		MS. COLLINS: Object to form.	10:53AM			
21	A	It depends on where it is. We've had that				
22	conve	rsation before.				
23	Q	Well, where would it need to be that rain				
24	would	wouldn't be necessary for the poultry waste				
25	constituents to transport? 10:54AM					

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